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Attorneys for Plaintiff
NVE Bank

NVE BANK,

Plaintiff,

vs.

M & P RE, LLC; and ELIMELECH
SCHWARTZ,

Defendants.

UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF NEW JERSEY

CIVIL ACTION NO. 2:19-cv-12829-MCA-ESK

Hon. Madeline Cox Arleo, U.S.D.J.

Hon. Edward S. Kiel, U.S.M.J.

NVE BANK,

Plaintiff,

vs.

M & P RE, LLC; and THERESA MASSEL,

Defendants.

CIVIL ACTION NO. 2:19-cv-12860-MCA-ESK

Hon. Madeline Cox Arleo, U.S.D.J.

Hon. Edward S. Kiel, U.S.M.J.

ORDER CONFIRMING U.S. MARSHALS SERVICE SALE OF PROPERTY

THIS MATTER, having been opened to the Court by Sherman Atlas Sylvester & Stamelman LLP, attorneys for plaintiff NVE Bank, for an Order confirming the sale of the real property located at 390 North Broadway, Pennsville, New Jersey, which was conducted by the U.S. Marshals Service on January 9, 2023 in Civil Action No. 19-12860 (which has been consolidated with and under Civil Action No 19-12829), and upon notice to counsel for defendants M & P RE, LLC and Theresa Masel, and the Court having considered the papers in support of and in opposition, if any, to said motion, and upon the pleadings and proceedings had to date herein, and sufficient cause appearing and for good cause shown;

IT IS on this 11 day of July, 2023;

FOUND BY THE COURT as follows:

A. This Court entered an Order for Final Judgment of Foreclosure in favor of NVE Bank in Civil Action No. 19-12860 (which has been consolidated with and under Civil Action No. 19-12829) (the "Final Judgment of Foreclosure") (Civil Action No. 19-12829 ECF No. 61) in the amount of \$3,558,278.71 as of November 30, 2021, with lawful interest thereafter.

B. In the Final Judgment of Foreclosure, the Court, among other things, ordered that the judgment amount be raised and paid out of the mortgaged premises designated as Block 501, Lot 2 on the Tax Map of the Township of Pennsville, Salem County, New Jersey, more commonly known as 390 North Broadway, Pennsville, New Jersey (the "Mortgaged Premises") and that an execution issue to the U.S. Marshal for the sale of the Mortgaged Premises.

C. Pursuant to and in accordance with the Final Judgment of Foreclosure, the Court issued a Writ of Execution (Civil Action No. 19-12860 June 22, 2022 Docket Entry) for the sale of the Mortgaged Premises.

D. The U.S. Marshals Service scheduled the sale of the Mortgaged Premises for January 9, 2023 at 11:00 a.m. at the Salem Fenwick Building, 87 Market Street, Room 330, Salem, New Jersey 08079.

E. Both of the named defendants in the foreclosure action (Civil Action No. 19-12860) – M & P RE, LLC and Theresa Masel – were served by the U.S. Marshals Service with the Writ of Execution and Notice of United States Marshal's Sale of the Mortgaged Premises via service on their respective counsel of record in this matter and the Notice of United States Marshal's Sale was posted at the Mortgaged Premises, the U.S. Marshals Service Bulletin Board (Camden Office) and the Salem Fenwick Building c/o the Salem County Sheriff's Office (Civil Action No. 19-12829 ECF No. 62).

F. Counsel for NVE Bank also caused the Notice of United States Marshal's Sale to be served on counsel of record for both M & P RE, LLC and Theresa Masel via Certified Mail, Return Receipt Requested, FedEx and email.

G. The Notice of United States Marshal's Sale of the Mortgaged Premises was published as required by law (Civil Action No. 19-12829 ECF No. 62-2 at p.3) and the Mortgaged Premises was offered for sale by the U.S. Marshals Service for the District of New Jersey on January 9, 2023 at 11:00 a.m. at the Salem Fenwick Building, 87 Market Street, Room 330, Salem, New Jersey 08079 in accordance with the published Notice of United States Marshal's Sale.

H. The sale of the Mortgaged Premises by the U.S. Marshals Service on January 9, 2023 has been executed by the U.S. Marshals Service according to law and the Orders entered and Writ of Execution issued by this Court.

I. The Mortgaged Premises was auctioned for sale as a single unit as provided and set forth in the Order for Final Judgment of Foreclosure (Civil Action No. 19-12829 ECF No. 61), Writ of Execution (Civil Action No. 19-12860 June 22, 2022 Docket Entry) and Notice of United States Marshal's Sale.

J. Plaintiff NVE Bank was the highest (and only) bidder at the sale, with a successful credit bid for the sum of \$100.00 (Civil Action No. 19-12829 ECF No. 62 and 62-2).

K. No objections to the sale have been filed.

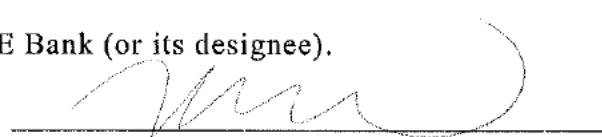
L. The U.S. Marshals Service's sale of the Mortgaged Premises should be confirmed.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by this Court as follows:

1. The motion by NVE Bank for an Order confirming the sale of the Mortgaged Premises by the U.S. Marshals Service be and hereby is GRANTED.

2. The U.S. Marshals Service's sale of the Mortgaged Premises on January 9, 2023 as described herein be and hereby is CONFIRMED.

3. The U.S. Marshals Service shall make and deliver his/her deed for the Mortgaged Premises to plaintiff NVE Bank (or its designee).



HON. MADELINE COX ARLEO, U.S.D.J.